

**Public Law 111-85**  
**Energy and Water Development Appropriations Act, 2010**

Enacted 10/28/09

**Sec. 206.** *Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended--*

*(1) in paragraph (1)--*

*(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;*

*(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;*

*(C) by striking `(a)(1) Using' and inserting the following:*

*`(a) Action by Secretary-*

*`(1) PROVISION OF FUNDS-*

*`(A) IN GENERAL- Using';*

*(D) in subparagraph (A) (as so redesignated)--*

*(i) in the matter preceding clause (i) (as so redesignated), by inserting `or the National Fish and Wildlife Foundation' after `University of Nevada';*

*(ii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting `and'; and*

*(iii) by adding at the end the following:*

*`(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out--*

*`(I) under clause (i); and*

*`(II) in conjunction with willing landowners.'; and*

*(E) by adding at the end the following:*

***`(B) NATIONAL FISH AND WILDLIFE FOUNDATION-***

*`(i) DATE OF PROVISION- The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount--*

*`(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or*

*`(II) as soon as practicable after that date of enactment.*

***`(ii) REQUIREMENTS-***

*`(I) IN GENERAL- Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).*

*`(II) EXCEPTIONS- Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).'; and*

(2) in paragraph (2)--

(A) in the matter preceding subparagraph (A), by striking `paragraph (1)(A)' and all that follows through `beneficial to--' and inserting `paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to--'; and

(B) in subparagraph (A), by striking `paragraph (1)(B)' and inserting `paragraph (1)(A)(ii)'.

**Sec. 207.** Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended--

(1) in paragraph (1), by striking `or' at the end;

(2) in paragraph (2), by striking the period at the end and inserting `; and'; and

(3) by adding at the end the following:

`(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.'.

**Sec. 208.**

(a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, subject to subsection (b), **\$66,200,000 to establish the Walker Basin**

**Restoration Program** for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate--

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, **\$2,000,000**, to remain available until expended, for--

(i) the acquisition of land surrounding **Independence Lake**; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

(B) **\$5,000,000** to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to **implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act** (Public Law 101-618; 104 Stat. 3294);

(C) **\$1,500,000**, to be divided equally by the **city of Fernley**, Nevada, and the **Pyramid Lake Paiute Tribe**, for joint planning and development activities for water, wastewater, and sewer facilities;

(D) **\$1,000,000** to the **United States Geological Survey** to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a **water monitoring program for the Walker River Basin**; and

(E) ~~\$45,000,000~~ **\$5,000,000** to **implement the 1996 Truckee River Water Quality Settlement Agreement** by acquiring water rights for the benefit of the Truckee River

and Pyramid Lake. [Note: On 10/30/09, 2 days after this legislation was enacted, Public Law 111-88 was enacted, correcting this \$45 million earmark to \$5 million, as follows: "energy and water development, technical correction, Sec. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking '\$45,000,000' and inserting '\$5,000,000'."]

(b) (1) The amount made available under subsection (a)(1) shall be--

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) **\$25,000,000** to the **Walker River Irrigation District**, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation--

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) **\$25,000,000** to advance the **acquisition of water and related interests** from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).

(iii) **\$1,000,000** for **activities relating to** the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) **\$10,000,000** for associated **conservation and stewardship activities**, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) **\$5,000,000** to the **University of Nevada, Reno**, and the **Desert Research Institute**--  
(I) for **additional research** to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);

(II) to conduct an **annual evaluation of the results** of the activities carried out under clauses (i) and (ii); and

(III) to **support and provide information** to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) **\$200,000** to support **alternative crops** and alternative agricultural cooperatives programs in Lyon and Mineral Counties, Nevada, that promote water conservation in the Walker River Basin.

(2) (A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation--

(i) in an advance payment of the entire amount--

- (I) on the date of enactment of this Act; or*
  - (II) as soon as practicable after that date of enactment; and*
- (ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).*
- (B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).*